UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

C. A. NO. 04-11852-NMG

KENNETH PASQUARIELLO,

Plaintiff

STIPULATION OF DISMISSAL VS.

NATIONAL RAILROAD PASSENGER CORPORATION AND MASSACHUSETTS BAY TRANSPORTATION AUTHORITY,

Defendants

Now come the parties to the above-captioned action and, pursuant to Rule 41(a)(1)(ii) of the Massachusetts Rules of Civil Procedure, hereby stipulate that all claims, including cross-claims and counterclaims, in this action, be dismissed with prejudice.

Defendant NATIONAL RAILROAD PASSENGER CORPORATION MASSACHUSETTS BAY TRANSPORTATION AUTHORITY By their attorney,

Paul J. Sahovey, Esq. Assistant General Counsel Transportation Building

Ten Park Plaza Boston, MA 02116 BBO #437900

Plaintiff

KENNETH PASQUARIELLO

By his attorney,

Robert T. Naumes, Esq. Thornton & Naumes

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Boston, MA 02110